REMARKS/ARGUMENTS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

The most recent rejection is based upon the patent to Hay (U.S. Patent No. 1,947,413). In short summary, the Hay patent is directed to formation of a concrete protective layer around a wood piling that is supporting a wharf and thus subjected to a marine environment. Although there are some superficial appearance aspects that draw attention to the Hay patent, the very great underlying differences help distinguish the present invention from the Hay patent. Also the claims have been amended to ensure that the differences are understood.

Turning the Hay patent, it would be good to get an understanding before addressing the rejection itself. As mentioned the Hay patent is for installation of a concrete coating around a wooden pilling that is in a marine environment. Basically, the wood piling 11 is the structure that is in place. So the components need to be installed around that permanent structure. First, a C-shaped metal bottom member 31 is placed around the standing piling 11. It should be noted that the metal bottom member 21 has a series of slits 32 on the inner edge to let the bottom member flex around the wooden piling 11. Also, the bottom member 31 has a series of slits 35 on the outer edge that allow the bottom member to flex up, as described further below.

Next, two flange halves 15, 16 are connected together around the wooden pilling 11. The two flanges 15, 16 can be considered to provide a concrete form. It should be noted that the flanges 15, 16 have bottoms that extend under the bottom member 31. This supports the bottom member 31 during the pouring of concrete

(described further below). Focusing on the interaction between the bottom member 31 and the flanges 15, 16, the flanges cause the bottom member to flex up at the slits (see Figs. 2 and 3).

During the concrete pour, it should be appreciated that the flanges 15, 16 and the bottom member 31 do not start at the bottom of the existing wooden piling 11. Instead, the flanges 15, 16 and the bottom member 31 start only as deep as permitted by the length of the flanges 15, 16. As such, the top of the flanges 15, 16 are kept above the sea water to permit the concrete to be poured into the flanges. Once filled with concrete, an additional set of flanges can be added to the top of the previous flanges and the entire arrangement lowered toward the bottom. This procedure can be repeated several times as needed.

During the lowering, the bottom member 31 is slid down the wooden piling 11. A hook and cable 40, 41 are used to control the lowering. The inner slits 32 permit the flexing and thus accommodate the irregular shape of the wood piling 11 to prevent the concrete from escaping.

Once the wet concrete is lowered within the arrangement all the way the bottom, the flanges are left in place to allow the concrete to harden. Of course, the concrete is fully embedded with the bottom member 31. As such, the bottom member 31 is left in place with the concrete. However, the flanges 15, 16 are separated and removed (i.e., the two halves are separated).

Turning to the claims, the Hay device is not an anchor assembly for supporting an axially-elongate tubular post insertable and removable from the anchor assembly. The closed analogy to the tubular post is the concrete that is poured and allowed to harden around the wood piling 11. Just to be sure that there is no confusion, the claims further recites: the post being non-concrete. Also, the

claims further recite without any structure connected to and above the base plate that prevents removal of the post from the conical portion and anchor body. In the Hay patent, the wooden piling 11 is structure connected to the bottom member 31 (asserted to be a base plate). The concrete, which is the closest analogy to the post, is cured right to the wooden piling and the bottom member 31.

Although the Hay patent does not even have the structures set forth within the base claims, some of the dependent claims contain limitations that are also not present with the Hay arrangement.

For example, claim 2 and others recite that the anchor body has a circular interior cross-sectional area, bounded by a cylindrical surface of the anchor body, to receive the post which has a circular exterior profile, the arcuate portion of the base plate is upstanding, circular and has a radially outer surface shaped as a cylinder to mate with the cylindrical surface of the anchor body that bounds the circular cross-section anchor body, and the conical portion of the base plate is a circular conic. The bent-up tongues 34 do not provide the cylindrical shape.

As another example, claim 4 and others recite an axially extending opening to receive a retaining member for retaining the base plate stationary while the tubular post is inserted and removed from the anchor assembly. In short summary, the bottom member 31 slides on the wooden piling 11 while the concrete is being applied.

As another example, claim 5 and others recite, wherein the base plate has an arcuate flange that extends in an outward radial direction from the arcuate portion of the base plate, the flange of the base plate has an outermost radial extent that is greater than an outermost radial extent of the anchor body. The bottom member 31

does not extend radially outward of the flanges 15, 16. In fact, the flanges 15, 16 have portions that extend radially inward to support the bottom member 31.

As another example, claim 6 and others recite that the post is rigid to permit insertion and removal, the greatest radial dimension of the conical portion of the base plate is sufficiently large to cause frictional engagement with the rigid post at a location of the post that is spaced from the arcuate portion of the base plate such that the rigid post is stopped before reaching the arcuate portion. Of course, because the concrete is introduced as a fluid, the concrete fills all available space and does not stop.

As yet another example, claim 13 recites that the conical portion is circumferentially continuous and without seam. The bottom member 31 has a "C" shape (see Figs. 5 and 6) and thus has an opening seam to permit the bottom member 31 to be paced on the existing wooden piling 11.

It is reiterated that the claims are in condition for allowance and allowance at this time is respectfully requested.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 35451.

Respectfully submitted,
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